

## Message Text

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ACTION EA-06

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSC-05 NSCE-00 PM-03

H-01 INR-05 PA-01 PRS-01 ACDA-10 TRSE-00 DHA-02

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TO SECSTATE WASHDC IMMEDIATE 2742

C O N F I D E N T I A L SEOUL 2232

LIMDIS

EO 11652: GDS

TAGS: PFOR PINS PINT KS KN

SUBJ: MYONGDONG TRAILS: U.S.-NORTH KOREA RELATIONS

SUMMARY: ACTING FOREIGN MINISTER RAISED TODAY POTENTIAL PROBLEMS CONCERNING THE MYONGDONG TRAILS AND U.S.-NORTH KOREA RELATIONSHIPS.

1. SHORTLY AFTERNOON, ACTING FOREIGN MINISTER ASKED ME TO CALL ON HIM ON AN URGENT BASIS. AS I ENTERED HIS OFFICE, HE ASKED "HAVE YOU HEARD ANYTHING FROM WASHINGTON ON TROOP WITHDRAWALS?" I REPLIED IN THE NEGATIVE, ADDING THAT I THOUGHT IT WOULD BE SOME TIME YET BEFORE CONSULTATIONS COULD BEGIN ON ANY SPECIFICS.

2. HE THEN WENT ON TO TELL ME THAT THE SUPREME COURT WOULD BE ANNOUNCING ITS DECISION IN THE MYONGDONG CASE ON TUESDAY MARCH 22. HE SEEMED SURPRISED WHEN I INFORMED HIM THAT WE WERE AWARE OF THAT SINCE HE ALLEGED THAT HE HAD ONLY HEARD OF IT THIS MORNING. YOON THEN WENT ON TO MAKE THE FOLLOWING POINTS.

A) HE DIDNT KNOW WHAT THE VERDICT WOULD BE SINCE THE JUDICIARY IS AN INDEPENDENT BODY. IF, HOWEVER, THE SUPREME COURT WERE TO UPHOLD THE DECISION OF THE APPEALS COURT, HE WAS CONCERNED  
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ABOUT THE USG'S REACTION.

B) HE HOPED THAT USG WOULD NOT MAKE ANY PUBLIC COMMENT, BUT THAT IF IN RESPONSE TO ANY QUESTIONS FROM NEWSPAPER REPORTERS FOR EXAMPLE, ANY COMMENTS WERE MADE, THAT THEY WOULD BE NON-CONTROVERSIAL.

C) HE WAS CONCERNED THAT ANY OFFICIAL REMARKS WHICH THE ROK JUDICIARY MIGHT INTERPRET AS UNWARRANTED INTERFERENCE INTO THE DUE LEGAL PROCESS OF THIS COUNTRY, WOULD REQUIRE A RESPONSE BY THE ROKG HE DID NOT FEEL THAT THIS KIND OF "VOLLEY-BALL" WOULD BE HELPFUL TO THE US-ROK RELATIONSHIPS. I RESPONDED THAT I WOULD COMMUNICATE THESE VIEWS TO THE DEPARMTNET, BUT ALSO POINTED OUT THAT WE HAD REPEATEDLY STATED THAT WE WOULD FEEL NREE TO COMMENT PIBLICLY ON HUMAN RIGHTS VIOLATIONS WHENEVER WE THOUGHT IT APPROPRIATE.

D) YOON SAID HE UNDERSTOOD MY POINT BUT THAT HE AGAIN WISHED TO UNDERScore HIS HOPES THAT THE COMMENTS NOT BE "BITTER" SO THAT THE ROKG WOULD NOT FEEL IT NECESSARY TO RESPOND IN TURN.

E) HE THEN WENT ON TO NOTE THAT USUALLY THE SUPREME COURT ONLY REVIEWED CASES FOR APPROPRIATE APPLICATION OF LAW AND THAT IT DID NOT, AS HE UNDERSTOOD IT, CONCERN ITSELF WITH THE SPECIFIC SENTENCES. AFTER SUPREME COURT MAKES ITS DECISION, THE CASE IS REMANDED TO THE APPEALS COURT FOR FINAL ACTION. THEN THE CASE IS REFERRED TO THE MINISTRY OF JUSTICE FOR IMPLEMENTATION OF SENTENCES. IT IS AT THIS STAGE THAT THE DEFENDENTS HAVE AN OPPORTUNITY TO APPEAL FOR CLEMENCY TO THE PRESIDENT OF THE REPUBLIC. SHOULD DEFENDENTS MAKE SUCH AN APPEAL, THEN THE MYONGDONG CASE WILL STILL BE ALIVE AND SUBJECT TO FURTHER REVIEW.

3. AFTER HAVING CONVERED THE MYONGDONG CASE, YOON THEN WENT ON TO COMMENT ON SOME PRESS SPECULATION WHICH APPEARED THIS MORNING IN THE LOCAL NEWSPAPERS. THE "KOREA HERALD" ON ITS COVERAGE OF CONFIDENTIAL

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PRESIDENT CARTER'S STATEMENT AT THE U.N. HAD THE FOLLOWING PARAGRAPH IN ITS STORY: "ALTHOUGH CARTER DID NOT ELABORATE IN HIS SPEECH TO A SPECIAL GATHERING OF U.N. DIPLOMATS, THE ADVERSARIES REFERRED TO WERE UNDERSTOOD TO BE CAMBODIA, VIETNAM, AND NORTH KOREA."

4. AS WE HAVE INDICATED IN PREVIOUS MESSAGES, THERE IS CONSIDERABLE CONCERN HER ABOUT ANY POTENTIAL US-NORTH KOREA CONTACTS. YOON POINTED OUT THAT USG HAD STATED ON NUMBER OF OCCASIONS THAT NO CONTACTS WOULD TAKE PLACE WITH NORTH KOREAN WITHOUT THE PRESENCE OF THE ROK. HE HOPED THAT WOULD CONTINUE TO BE OUR POLICY. I SAID THAT ON THE OTHER HAND, I COULD NOT SEE HOW EITHER A FOUR-OR SIX-POWER CONFERENCE NOR A NONAGGRESSION PACT COULD TAKE PLACE IF SOME KIND OF DIALOGUE BETWEEN NORTH KOREAN AND OURSELVES IS NOT ENGENDERED. HE AGREED THAT UNDER SUCH CIRCUMSTANCES, AN EXCHANGE WOULD BE ABSOLUTELY ESSENTIAL AND SAID THAT HE WOULD NOT BE DISTURBED IF WE WERE TO TALK ABOUT CONTACTS WITH NORTH KOREA WITHIN REPEAT WITHIN THE CONTEXT OF A NONAGGRESSION PACT OR A MULTIPOWER CONFERENCE. HE REEMPHASIZED, HOWEVER, THE

NEED FOR ROKG TO BE CONSULTED BOTH ON CONTACTS OR RELATIONSHIPS  
WITH NORTH KOREA AND ON TROOP REDUCTIONS.

5. COMMENT: AS FOR YOON'S REQUEST CONCERNING USG COMMENTS ON  
MYONGDONG CASE, IT MIGHT BE THAT HE WAS ACTUALLY TRYING TO  
ALERT US TO THE UPCOMING SUPREME COURT DECISION NEXT TUESDAY.  
ON THE OTHER HAND, HE COULD ALSO HAVE BEEN TRYING TO TELL US THAT  
THE SUPREME COURT IS NOT GOING TO CHANGE THE DECISION OF THE  
APPEALS COURT. THERE IS NO QUESTION OF THE ROKG'S CONCERN FOR  
OUR REACTION TO THE SUPREME COURT DECISION. I DETECTED A CERTAIN  
AMOUNT OF RESIGNATION AND ACCEPTANCE OF THE PROBABILITY THAT WE  
WILL MAKE SOME PUBLIC COMMENT. HAVING ACCEPTED THAT FACT, THE  
ROKG NOW HOPES FOR A STATEMENT THAT IT CAN LIVE WITH.

6. AS FOR THE US-NORTH KOREA RELATIONSHIPS, THIS IS A PROBLEM  
THAT WE WILL HAVE TO CONTEND WITH. IT IS NOT LIKELY THAT OUR  
REASSURANCES WILL BE SUFFICIENT TO AVOID FURTHER QUESTIONS FROM THE  
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ROKG. WE SHOULD NOTE, HOWEVER, YOON'S LINKAGE OF US-NK CONTACTS  
WITH POSSIBLE NON-AGGRESSION PACT ON MULTI-POWER CONFERENCE.  
OUR ACTIONS AND COMMENTS ON RELATIONSHIPS WITH FORMER ADVERSARIES  
WILL BE WATCHED CLOSELY AND WITH CONCERN.  
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